Preserve

App. F. IX-4

Previous References

1933 (Law) (66) . File No. 45-33
Serial Nos. 1-10

Later References
Law Dep 50-34
Law Dep 6-34-9
Law 6-34-19 & 37

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 10

Part B for July 34

SUBJECT.

R. A. Hearing on the file of the H.C. of Mysore
(C. Rachaiya Setty vs Venkatanarayappa & Others)

10) Do

Mr. D. C. Kolar
Govt. Advocate.
Mr. S. Srikantiah, Advte
Mr. Chikkoor Aswathaiya
Setty & Others.

RO P230-33 dy 16-7-34.

Which Govt. need not be brought on record of the pending Cases as legal reprs of late Mr. Rachaiya Setty.

Dr. Abdul Aziz
28-7-34

1978

General and Revenue Secretariat | Law File No. 45 of 1933. | [App. F. III—2

Serial No.

From :- To :-

The D.C. Kolar.

No. Ar & P.R. 155/33-34 dt 11.10.33, forwarding petition presented by Messrs Chittoor Ramaiah Selly and others, heirs of late Chittoor Rachaiya Selly, and requisitioning in the circumstances stated to authorise the Govt and the Pub Pros to represent Govt in R.A. 43/1933 and O.S. 10/1914 on the file of the Dt. Ct. respectively, and to permit him to engage a Counsel at Chickballapur to put in claim in O.S. 381/14-15 on the file of the Chickballapur Munsiff's Ct.

1) Dt is stated that the late Mr. Chittoor Rachaiya Selly of Chickballapur has endowed a sum of Rs. 30,000/- in his will dated 30.8.33, out of realisations in several Cases pending in the Dt. Ct. & Hon. Ct. of Mys. for the Construction of a maternity hospital at Chickballapur. - It is also pointed out in the petition that it is mentioned in the will that Govt should be added as legal repve of the deceased and further proceedings carried on. The details of the several Cases noted in the petn are not furnished. Copy of the will is not seen. If appl. the same will be called for.

ISD 141/10.

2) Before accepting the endowment, ~~if it is necessary to see~~ which is in the shape of money due in certain litigations still

NOTE—Contn. Sheet.

1778/

File No. of 193 . General and Revenue Secretariat

pending, it is necessary to examine the nature of the litigations, with a view to see if it is in any way profitable & desirable for Govt having taking upon themselves the obligation of prosecuting the said litigations.

2) The D.C. may be requested to examine call upon the party to produce the relevant papers, as suggested by the party himself in para 3 of his petition and to forward them to Govt together with his own opinion in the matter.

Off accordingly.

BNE
16/10/33

4) Dft Sub[d] for approval

ISD
16/10.

Gen Secy)

BNE
16/10

5) May be approved

H Home Secy)

17.10

BNE
19/10

23/10

17/10
23/10

6) Issue

BNE
23/10

SECRETARIAT
17 OCT. 1933
No.

Second N...
1
No. 2378

TYPING SECTION
23 OCT. 1933
GENL. & REV. SECTT.

26/10/33

4110

General and Revenue Secretariat | Law File No. | of 1933. | [App. F. III—2

Serial No.

From

The Registrar H. Ct. of Mysore

No. 808 d 26.1.34 forwarding for service and return the notices in duplicate in C. R. A. 43/28-29 on the file of the H. Ct. of Mysore (Rachaiyaswamy vs Venkatarangayyangar)

Ref[e] para 1-3 Supra

1) Obtain relevant papers were called for from the D.C. Kolar with a view to see whether it is in any way desirable for Govt to undertake the further prosecution of the litigations. The same is being awaited now the petitioners in the above appeal have applied to bring for an record as a legal rep[e] of the D.C. may be reminded to expedite the submission of the record called for. Meanwhile the notices in original may be returned with due endorsement of service here on.

Date of Hg 26.1.34

Dft Sub[t] for orders

15/1/34

2) The endorsement is still not accepted by Govt. ~~what~~ The nature of the litigation involved in the Regular Appeal for which notice is now received is not known. Before deciding ~~to~~ the further course of action to be taken in the matter, it is desirable to request the Govt Advocate to examine the records of the Regular appeal and advise Govt whether it is profitable to accept the endowment & prosecute the litigations in question.

GEN 30 JAN. 1934 No. 647

9) Yes 17/1/34 31/1/34

10) A letter from Mr. S. Srikantia was received yesterday. Please put it up. 1/2

Govt (Genl Secy)

30/1/34

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-32

4

4110 & 4168

File No. of 1933. | General and Revenue Secretariat

Serial No.

From..

Mr. S. Sreekantaya, Advocate

D.o. dated 30th Jan 1933 forwarding a petition on behalf of Chittoor Annula-Narayanaselly and others praying Govt to undertake the further prosecution of certain litigations pending on behalf of late Sth. Chittoor Rachagaselly who has given an endowment for the Construction of a maternity hospital at Chittoorkalapur.

11) Subs for orders with reference to para 10 Supra.

G.O.No.p 187 & 32 dated 1st. February 1934.

ISD 1/2/34

12) Forwarded with compliments to the Govt Advocate for favour of opinion on the lines indicated in the note of 30th Jan.

Dis 628/33-84 dt 1.2.1934

Myderabad
Inspector 1/2

Returned with Compliments.

13) The records of the litigations are not in the file. I however obtained from the High Court a copy of the print records in Regular Appeal 43 of 1928-29 and perused the same. The records are very bulky and the party seemed to have filed a large number of documents and account books.

U.O. No. 104/3334 dt 8.2.34.

GENERAL SECRETARIAT 8 FEB. 1934

14) The Appellant who was the Plaintiff in the lower Court, that is the late Mr. Rachia Setty, filed a suit for dissolution of partnership and for accounts and for recovery of Rs. 25,000/- which he estimated as his

Serial No.

as his share of the capital and profits.

15) The Defendants denied the partnership and urged that the Plaintiff was not entitled to the relief prayed for. The partnership referred to by the Plaintiff has a long history. It commenced in 1887 between the Plaintiff and Yernul Narasimhia and the latter's brother Yernul Naranaiya under the name of C.Rachia Setty & Co.,

16) The said Partnership continued till 1893 when Y.Naranaiya retired from it. The Plaintiff and Yernul Narasimhia who acted for himself and on behalf of his joint family, continued the business thereafter as partners. The said Narasimhia died in 1907. The Plaintiff's contention is that the Defendants, who are the sons of Yernul Narasimhia, continued the partnership after his death. The Defendants while admitting that they carried on the business denied that Plaintiff has any interest in the same. It is prectically conceded in the Judgment of the lower Court that the Plaintiff had financed the concern and that the Partnership business continued till the death of Narasimhaiya. But he holds that there is no reliable evidence showing that the partnership between the parties continued after the death of Narasimhia. The said Narasimhia died on 25-10-1907 and his account was changed to the name of his sons i.e., Defendants on 26-10-1907. The accounts of the business continued as before till 1909 according to the accounts produced in Court. The business till then was admittedly managed by K.Ramappa

WD 0434—GPB—15,000—12-10-33

*P.W.2,

6

File No. of 193 . | General and Revenue Secretariat

Serial No.

P.W.2, who supports Plaintiff's case. The correspondence also shows that Plaintiff was being consulted now and then about the partnership business.

17) The Defendants assumed management of the business in 1909 and they seem to have kept back the accounts. This leads to the presumption that if produced they would support the Plaintiff's case. Further some letters are also written to the Plaintiff by the Defendants referring to partnership matters. The accounts of some of the creditors of the partnership show that till 1913, the Plaintiff and the 1st Defendant carried on transactions together for the business. The Defendants do not plead that the partnership terminated in 1909 or in 1913. As against these facts there are the facts noticed by the District Judge.

18) On the whole I think the Appellant has a fairly strong case.

N. Nadarajah 24/2

Government Advocate.

CSN/8.2.34

19) Please write to the D.C. Kalar to expedite the submission of the report called for, Mara the Registrar intimating to him the fact that the High Ct in RA 43 of 28.9 have issued notice to get to show cause why they shd not be impleaded as representatives of the deceased appellant & that the case is fixed on 26.2.34 & that a decision of post as to whether they are willing to accept the end amount has to

1978 F
416 S
420 2

General and Revenue Secretariat | Law File No. 87 of 1933. | [App. F. III—2

Serial No.

Reached withdrawn early -

ms ---

9/2

ms) Dft Sub? accordingly

ISD 9/2

ms) Issue & remit

ISD

9/2

INL. & FL

From,

Chittoor Anuchanam — advocates.

Per? dated 30.1.34

presented to Diwan.

To,-

The D.C. Kolar

no. A. 3060 dt 10th Feb? 1934 Calling for a report together with the records and the copy of the will of late Mr. Ratnaiya setty

ms) Submitted for perusal after issue.

ISD 13/2

ms) Pending a final decision in the matter of accepting the endorsement, the notice to Show cause issued by the High will be returned duly endorsed & the Pft asked to appear for Govt in the case on 26.2.34 & take an adjournment for about a month.

Gensey ms 13/2

ms) The D C Kolar replied ... Please work upon & remit ... 14/2

ms 14/2

GENERAL SECRETARY
13 FEB. 1934
No. 317

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-33

4444

Lour File No. 45 of 1933..

General and Revenue Secretariat

Serial No.

From,

The D.C. Kolar

no. A.S.C.1012/33-34 dated 15th Feb'y 1934 forwarding a copy of the will with a copy of the petn from Mr Chittoor Aswatha narayana setty one of the heirs of the donor, and stating that in the absence of any other records he is not in a position to furnish his opinion as to the acceptance or otherwise of the offer made by the donor.

2) The directions made in the devise of late Mr. Chittoor Rachanayakulu are described in the petn presented by Aswatha narayana setty and others. The net realisation out of several lotteries referred to in para 6 of the petn and at page 3 of the will, is endowed for building a maternity hospital at Chickballapur. Records relating to these lotteries are said to be lying with Mr. S. Srikantaiya, Advocate for the petitioners. The Govt. Advocate may be requested to discuss the matter with the petitioners' Counsel and finally advise Govt in the matter of acceptance of the endowment. Meanwhile the notice to Show Cause may be returned as pointed out in para 23 supra.

Dtee of Hg. 26.2.34

A

Subn for orders with reference to para 23 supra.

The D.C says he is not in a position to say anything as to the acceptance or otherwise of the endowment. The suggestion at 'A' may therefore be approved.

15/2

Gen Secy)

I agree

15 FEB. No. 1368

Minister)

16/2/34

16 FEB 34 No. 5220

17/2

19/2

19/2

4444.

Low File No. 45 of 1933.

General and Revenue Secretariat

Serial No.

From,

The D.C. Kolar

no. A:S-C.1012/33-34 dated 13th Feb'y 1934 forwarding a copy of the will with a copy of the petn from Mr. Chittoor Anantharanyana setty one of the heirs of the donor, and stating that in the absence of any other records he is not in a position to furnish his opinion as to the acceptance or otherwise of the offer made by the donor.

2) The directions made in the devise of late Mr. Chittoor Rachanya setty are described in the petn presented by Ananthanarayana setty and others. The net realisation out of several lotigations pending described in para 6 of the petn and at page 3 of the will, is endowed for building a maternity hospital at Chickballapur. Records relating to these lotigations are said to be lying with Mr. S. Srikantaiya, Advocate for the petitioners. The Govt. D. may be requested to discuss the matter with the petitioners' Counsel and finally advise Govt in the matter of acceptance of the endowment. Meanwhile the notice to Show Cause may be returned as pointed out in para 23 supra.

Date of Hg. 26.2.34

Subs for orders with ref[ce] to para 23 supra.

15/2 ISD 15/2 2b) The D.C says he is not in a position to say anything as to the acceptance or otherwise of the endowment. The suggestion at 'A' may therefore be agreed.

Gen Secy) 15/2

2) I agree

4) I agree) 16/2

15 FEB. No 368

OFFICE OF THE ACCOUNTANT-GENERAL (A. & E.) MADRAS

16 FEB 1934

No 5220

17/2 19/2 19/2 Govt 19/2

4442
5469

General and Revenue Secretariat | Law File No. 45 of 1933. | [App. F. III—2

Serial No.

29) 2 dfts Subs for appl.
ISD 20/2

30) Issue today
MNL 20/2/34

YP G SECT
20 FEB 1934
4-20 P.M.

To,

The Registrar, H.Ch.

No. P. 3976 dated 20.2.34 returning the notice in original with due endorsement of service thereon.

The Govt. Ad.

No. P. 3976 d 20.1.34 instructing to appear in the Case for Govt, and to advise Govt in the matter of acceptance of the endorsement offered in Consultation with the Petitioner's Counsel Mr. S. Sreekantaiya.

Copy to the D.C. Kolar.

Sus A
21/2/34

From,

The Govt. Advocate

No. 660 d 6th April 1934 forwarding a copy of the letter from Mr. Srikantaiya and stating in the circumstances pointed out Mr. Rachaiyasetty's appeal pending before the H.Ch. is a fairly arguable one and as it involves a heavy amount the endorsements offered may be accepted.

31) Govt. Ad. says that the endorsements may be accepted. Submitted for orders with reference to para 3rd supra.

ISD 10/4

32) Please get back the copy of the letter which went to the Govt Advocate
MNL 10/4

WD 0434—GPB—15,000—12-10-32

NOTE—Contn. Sheet.

10

549 ✓
622

Law File No. 45 of 1933. | General and Revenue Secretariat

Serial No.

33) Dft sub? for appl?
ISD 14/4

34) Issue
ssd 14/4/34

Issued no R. 4776 d 14.4.34.

From.

The Govt. A.D.
no. 622 dated 13.4.34 returning a c/s
of the will and other enclosures relating
to the endowment.

35) Sub? for order not required
ISD 14/4

36) The question first to be decided is
the about the acceptance of the endowment
as per terms of late Rachia chetty's will.
~~Vaigai Dhoraisamy says~~ The endowment is
for building an Hospital for maternity &
Child welfare at chikballapur and consists
of certain moneys that have to be hereafter
realised in three litigations still pending
viz: R.A. 43 of 28-29 in the High Ct, O.S. 10 of 14-15
in the Dt Ct, Kolar and O.S. 381 of 13-14 in the
Munsiff's Ct, Chikballapur.

37) In the R.A 43, something like
Rs 25,000/- is expected while in O.S. 10, it is
Rs 10,000/- & in O.S. 381, it is only Rs 1500/-.
The G.A who has ex? the case in R.A. 43
says that the appellants have a good

'W' (portion marked)

General and Revenue Secretariat | File No. 45 of 1933. | [App. F. III—2

Serial No.

Neither the D.C. Vellar nor the G.A express any opinion on the other two cases, because they have not been furnished with the necessary papers. Mr. Srinivasa Rao who was the advocate that was appearing for late Radhiasetti does not appear to expect much from these two cases in the Mussiffat. Anyway since the amount involved in the R.A in the High Ct is sufficiently large, the G.A. recommends that the endowments offered may be accepted.

38) If this is sanctioned, the G.A will have to be instructed to appear for Govt and consent to Govt being added as appellants in the appeal. Arrangements will also have to be made for the proper conduct of the two other cases mentioned above.

Submitted for orders.

The R.A is posted to-- 7.6.34 for hg.

I Secy
Thro' Asst Secy
medical

4/5/34

575

39) The endowments may be accepted and arrangement made for the conduct of the two case and the appeal.

Second Member. 7.5.34

40) In the Inner Dept now we have generally discouraged the 7/5

OFFICE OF THE SECOND MEMBER OF COUNCIL. 7 MAY 1934

NOTE—Contn. Sheet.

WD 0431—GPB—15,000—12-10-33

5672

12

Law File No. 45 of 1937.

General and Revenue Secretariat

Serial No.

acceptance of pending litigation as endowments. In this case also, it is not desirable to accept it at this stage till the appellate order is passed —

(41) Meanwhile, an effort must be made to safeguard the interests of Govt in the bequest in the will. Wd it be possible to watch the case on behalf of Govt without being made parties to the case. The Asst Secy Law will discuss this with me.

S.

JSD
12/5

LAW.
12.5.34

(42) This case was for the 7th June. I had requested Mr Gift in person to get an adjournment. Please enquire tomorrow day if new slates posted

JSD
11/6/34

(43) It is learnt that the Appeal stands posted to 9.7.34

TSD
14/6.

(44) The bequeathal is that of the right to conduct the appeal & if successful to take the amt of rose. The other valuable properties he has given away to others. He has bequeathed litigation to Govt. On principle it is objectionable to accept a litigation & that too of a doubtful character as endowment & possibly throw good money after bad. I therefore think that this endowment of a doubtful litigation need not be accepted. It is the business of the heirs to conduct the

Endowment of Lyre Mr. Chittoor Rathnaswamy.
5672

Serial No.

DEWAN'S O[illegible]
13 JULY 1934
No. 209

appeal & then hand over the money. I believe such endowments have not been accepted in the Law Secretariat

6/7

45) Draft XX
mm
6/7

46) Subs? wire a dft. n. for appl. G.O.
ISD
7/7.

47) Please put up a typed draft
mm
7.7.34

48) Typed dft subs?
ISD
11/7.

for approval
Gen Secy)
Dewan.

mm
11.7.34

11.7.34

mm 12/7/34

13-7-34

14.7.34

Issue today
mm 14/7/34

TYPING SECTION
10 JUL 1934
GENL & R[illegible] SECTT.

TYPING SECTION
3-15 P.M.
14 JUL 1934
GENL & R[illegible] SECTT.

NOTE—Contn. Sheet.

5672

14

Law File No. 45 of 1933. | General and Revenue Secretariat

To,

The D.C. Kolar

Gen. Ad.

Mr. S. Seshadriya, Adv.

Chittoor Annakanagane Settisakkar

G.O. no. P. 130-33 Law 45/33-1 dt 16.7.34 directing that Gen need not be brought on record of the pending Case as legal repve of late Mr. Chittoor Seshaiya Setty

B
19/7/34

1978 P 331

In all future correspondence please quote this
No A5-P.R.155/33-34.
Encls. One.

OFFICE OF THE DEPUTY COMMISSIONER,
KOLAR DISTRICT.

Dated, Kolar, the 11th October *1933.*

Law 45-33

FROM T.S.Rama Iyer,Esq.,B.A.,
Deputy Commissioner,
Kolar District.

RJ 14 10 33

To

Law

R.Ranga Rao,Esq.,B.A.,B.L.,
Chief Secretary to Government of Mysore,
G *Department,*
Bangalore.

Sir,

Enquiry. RJ 14/10/33

I have the honour to forward herewith, in original, the petition from Messrs. Chittoor Aswathiya Setty and other heirs of the late Chittor Rachia Chetti of Chickballapur Town praying for the addition of Government as the legal representative of Mr.Chitoor Rachiya Setty (since deceased) under the circumstances mentioned in the petition. Mr. Rachiya Setty was a very philanthrophic man and spent over Rs. 50,000/- for charitable purposes during his life time.

A few days prior to his death it was suggested to him through his friends that he might kindly donate a Maternity Hospital and the deceased had asked for a little time to collect some funds due to him. But as he became dangerously ill he has devised, under his last will and testament dated 30-8-33 (and regd.on 2-9-33) his interest in the three cases in favour of Government to be utilized for the purposes of a Maternity Hospital.

Since he has donated the entire interests amounting to Rs 30,000/- (Thirty Thousand) in favour of Government for a charitable purpose I request you to be so good as to authorise (1) the Government Advocate to represent Government in the Appeal No.R.A.43/28-29 before the High Court (2) The Public Prosecutor- Bangalore Division in O.S.No.10/19-20 before the District Court and permit me to engage a counsel in the Chickballapur Munsiff's Court to represent Government in O.S.No.381 of 14-15 of that Court.

I have the honour to be,
Sir,
Your most obedient servant,

A.R.2.
111033.

Deputy Commissioner,
Kolar District.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE 2

General and Revenue Secretariat

No. P. 1870 Exec/Theb

Dated, Bangalore, 24th October 1933. 28

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Deputy Commissioner,
Kolar District, Kolar.

Sir,

With reference to your letter No.A5-P.R.155/33-34 dated 11th October 1933 regarding the petition presented from Messrs: Chittoor Aswathaiya Setty and other heirs of the late Mr. Chittoor Rachaiya Setty of Chickballapur, praying for Government to take proper steps to prosecute the litigations of Mr.Chittoor Rachaiya Setty to give effect to his devise, I am directed to state that before accepting the endowment which is in the shape of money due in certain litigations still pending it is necessary to examine the nature of the litigations with a view to see if it is in any way profitable and desirable for Government taking upon themselves the obligation of prosecuting further the said litigations.

I am therefore to request you to call upon the party to produce the relevant papers as offered by him in para 3 of his petition and to forward them together with your opinion in the matter for orders of Government.

The petition received with your letter is herewith returned for reference and return.

I have the honour to be,

Sir,

Your most obedient servant,

For General Secretary to Government.

TSD

TSS.

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law
File No. 45-33
Serial No. 2

Diary No. of letter replied to .....

No. P.187C Sec/Retn -

To

The DC. Kolar

General and Revenue Secretariat

( )

the *193* .

Sir,

Date of issue 23/6/33

Signed by Sd/- P.V.G. Iyer

with reference to your letter no. AS- P.R. 155/33-34 dated 11th Oct 1933 re: the petition presented from Messrs. Chittoor Aswathanarayanaiah and other heirs of the late Mr. Chittoor Rachanjaneiah of Chickballapur praying for ~~addition of~~ for to take proper ~~a legal representative~~ steps to prosecute the litigations ~~Line~~ of Mr. Chittoor Rachanjaneiah, to give effect to his devise, I am directed to state that before accepting the endowment which is in the shape of money due in certain litigations still pending it is necessary to examine the nature of the litigations with a

List of enclosures.....

Copied by WRH/10

Examined by.....

4

View to see if it is in any way profitable and desirable for Govt taking upon themselves the obligation of prosecuting further the said litigation.

I am therefore to request you to call upon the party to produce the relevant papers as offered by him ~~suggested~~ in para 3 of his petition, and forward them together with your opinion in the matter for orders of Govt.

The petition received with your letter is herewith returned for reference and return.

I have etc

KD
16/10.

pp
16/10 for Secy

No 808 Rev 4

4110 2 33 15

Law Cell 2 Dept
45-33-3

BANGALORE,

Daetd 26 - 1 - 1934.

From

THE REGISTRAR,

High Court of Mysore,
Bangalore.

To

THE ~~DISTRICT JUDGE~~ Chief Secretary to
The Government of Mysore
Bangalore

CHIEF SEC'Y
Law
27 JAN. 1934

Sir,

I ~~have the honour~~ am directed to forward herewith for service, notices in duplicate together with copies of application in R.A. No. 43 of 1928-29, on the file of this Court, and to request that you will be so good as to ~~cause~~ retain the duplicate ~~to be served on the person named therein~~, and return the original ~~returned~~ to this Court with due endorsement of service thereon.

X Y Here was some reference about Khaspa re this?
27/1/34.

I have the honor to be,
Sir,
your most obedient servant,

S. Venkatadanga Ayengar
Registrar.

WD 01133—GPH—1,000—26-12-30

S. SRIKANTAIYA, B.A., B.L., M.R.A.S.
ADVOCATE

CHICKPET.
BANGALORE CITY

4165
P 33

Dated 30th Jan 1933.

Law 45-33-4

Dear Mr. Ranga Rao,

Ancnt the late Mr. Chitloor Rachiah Setty's endowment for a Maternity and Child Welfare Hospital at Chickaballapur, you may remember that I had a talk with you long ago and that you said the matter would be favourably considered if an application were made. The application has been separately sent to you by the parties and a copy thereof has been forwarded to the Deputy Commissioner, Kolar who appears to have already submitted his recommendations to the Government.

Yours Sincerely.

S. Srikantaya

RB
31/1/34

pml
31.1.34

67

29
31/1/34.

To.

R. Ranga Rao., Esq., B. A., B. L.,

Chief Secretary to the Government

of Mysore, B A N G A L O R E.

CHIEF SECRETARY'S OFFICE
31 JAN. 1934

Petitioners:- 1. Chitloor Aswattanaraniah Setty.
2. Gopaliah.
3. Radhakrishniah.
4. Subbiah.
} minors by their guardian and mother Adilakshamma

Residents of Chickaballapur Town.

Most Respected Sir,

1. C. Rachiah Setty was big, influential and Wealthy merchant at Chickaballapur. By his own exertions, he built up a lucrative business at various centres in Southern India and at Bombay. He also constructed a Choultry at Viduraswatta, in the Goribidnur Taluk and added considerably to it from time to time. In his Will registered on 30th August 1933, he has created a trust for its management and left an additional sum of Rs. 2000/- for the purpose to be handed over the trust. He has directed his Life Assurance Policy, payable after death, in the Bombay Oriental Life Insurance Company Limited, as an endowment for the Viduraswatta Trust Fund.

2. For the Anjaneyaswamy Temple at Chickaballapur, he spent large sums exceeding Rs. 2000/- during his life time and at his death left another sum of Rs. 2000/- for its completion. The installation ceremony has to take place in the coming month of Magha.

3. He has also directed the income from certain properties left for the maintenance of one Gowramma to be utilised for the upkeep of the Kanyaka-

Parameswari Temple at Chickaballapur after her death.

4. For certain Sevas in his name of the Kodandaramanaswami Temple at Chickaballapur, 500/- rupees out of his shares in the Co-operative Society Limited have been left, the interest thereof to be used, the other 200/- rupees being given to Lakshminarasappa of the Sri Anandakrishna Vaidya Sala at Chickaballapur.

5. The Bangalore Chickaballapur Light Railway Company shares valued at Rs. 500/- are given for the encouragement of Vaisya Students in the Sanscrit Patasala established by the Vaisya Mandali.

6. Besides the above charities which exceed Rs. 50,000/- he has left the following to the Government of Mysore:-

(i) The subjectmatter of O. S. No: 15 of 19-20 on the file of the District Judge, Bangalore, now in appeal before the High Court of Mysore in R. A. No: 43 of 28-29.

(ii) The subjectmatter of O. S. No: 10 of 14-15 on the file of the District Judge, Bangalore.

(iii) The subjectmatter of O. S. No: 381/13-14 on the file of the Munsiff of Chickaballapur.

In the registered Will dated 30th August 1933, he prays the Government of Mysore to continue the proceedings in these several suits, utilising the net realisations thereof for building an Hospital for Maternity and Child Welfare at Chickaballapur, a sore need of that place. An account of the exact present position of these cases, together with their chances of success and the possible sources of realisation in the event of a successful termination of these suits is given in the appendix. If these cases should succeed and amounts realised all the costs of these proceedings may be given to Mr. S. Srikantaya, our advocate for over 15 years, deducting the expenses incurred by the Government therefrom.

7. In order to ensure a satisfactory working

89

of these suits, we pray the Government of Mysore may be pleased to consent to be brought on record as parties along with us (so that there will be no difficulty whatever in the case of an adverse decision) and proceed with these cases.

8. We therefore pray the Government of Mysore may be pleased to accede to our prayer.

A P P E N D I X.

1. C. S. 15 of 19-20.
R. A. 43 of 28-29.

Suit for dissolution of partnership and accounts in which the plaintiff C. Rachiah Setty claims Rs. 25,000/- and interest etc. The suit was dismissed on the grounds of limitation and the contention in the appeal that this decision was wrong because on the death of Yernool Narashimiah, father of defendants 1 and 2, there was technically a new partnership, even if it be held that the defendants were not members of a Joint Hindu Trading Family.

2. O. S. 10 of 14-15.

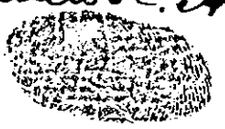
A suit for dissolution of partnership and accounts. C. Rachiah Setty was the defendant with a half share. A preliminary decree has been passed and the Commissioner Mr. Mittor Srinivasa Rao is going through the accounts, to find out the collections and realisations made by the parties respectively, and the amounts due from the one to the other. The defendant's share is expected to reach about Rs. 10,000/-.

3. O. S. 381 of 13-14.

A suit for dissolution of partnership and accounts in the Chickaballapur Munsiff's court and a preliminary decree has been passed. C. Rachiah Setty was the defendant. His share expected to be about Rs. 1500/-. The case is for arguments re (1) damages suffered by the

plaintiff on account of defendant's interruption to the working of the Sugar Cane Mills, (ii) the amcunt which the plaintiff has to pay the defendant's from the profits which he had realised under his management, and (iii) costs etc.

Chittoor. Arunachalam Setty



left thumb mark of

Adilakshamma.

Dated: 30/1/34.

Petitioners.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P-3868

Bangalore, Dated, 10th February 1934.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Deputy Commissioner,

Kolar District,

K o l a r.

Sir,

I am directed to invite reference to this office letter No.P. 1870 dated 25th October 1933 regarding the petition presented from Messrs: Chittoor Aswathaiyasetty and other heirs of late Mr.Chittoor Rachaiya Setty of Chickballapur and to request that the submission of the report called for may kindly be expedited without further delay.

I am to state that the High Court of Mysore have issued a notice to Government to show cause why they should not be impleaded as representatives of the deceased appellant in R.A. 430 of 28-29 and the case is posted for hearing to 26-2-1934.

Since Government have to decide early as to whether it is advisable to accept the endowment offered, I am to request that the report together with the records, and the copy of the will of late Mr.Rachaiya Chetty ~~xxxxxxxxxx~~ may kindly be sent immediately.

I have the honour to be,

Sir,

Your most obedient servant,

For General Secretary to Government.

TSD

12

Appendix F G—1]

SUBJECT .....

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Section Law.

File No. G 5-33

Serial No. 5

Diary No. of letter replied to .....

No. P 3868

To

The D.C. Kolar

General and Revenue Secretariat

( )

the *193* .

Sir,

Date of issue 10/2/34

I am directed to invite reference to this office letter no. P. 1870 dated 25.10.33 re: the petition presented from Messrs. Chitton Anantharayasetty & other heirs of late Mr. Chitton Rachaya setty of Chickballapur, ~~praying for to take proper steps to prosecute certain litigations of Mr. Chitton Rachayasetty to give effect to his desire~~, and to request that the submission of the report called for may kindly be

Signed by Mr. R.A. Rao

List of enclosures .....

Copied by W 10/2/34

Examined by .....

expedited without further delay.

I am to state that the H.C. of Mysore have issued a notice to Govt ~~in RA 43 prng~~ to show cause why they should not be impleaded as representatives of the deceased appellant in RA # 4303/28-29 and the case is posted for hearing on 26.2.34

Since Govt have to decide early as to whether it is advisable to accept the endorsement offered.

I am to request that the report + the copy of the writ of late Mr Nachiachetty together with the records may kindly be sent immediately.

I have etc

ISD
9/2

9/2 for favour of

4202 933 16

OFFICE OF THE DEWAN OF MYSORE
Date of Receipt 2.34
Serial No. 1486

To.

Sir Amin Ul-Mulk Mirza M Ismail, Kt, C. B. E.
Dewan of Mysore, B A N G A L O R E.

Petitioners:- 1. Chitloor Aswattanaraniah Setty.
2. Gopaliah. } minors by their
3. Radhakrishniah. } guardian and
4. Subbiah. } mother Adilakshamma

Residents of Chickaballapur Town.

Most Respected Sir,

1. C. Rachiah Setty was big, influential and Wealthy merchant at Chickaballapur. By his own exertions, he built up a lucrative business at various centres in Southern India and at Bombay. He also constructed a Choultry at Viduraswatta, in the Goribidnur Taluk and added considerably to it from time to time. In his Will registered on 30th August 1933, he has created a trust for its management and left an additional sum of Rs 2000/- for the purpose to be handed over the trust. He has directed his Life Assurance Policy, payable after death, in the Bombay Oriental Life Insurance Company Limited, as an endowment for the Viduraswatta Trust Fund.

2. For the Anjaneyaswamy Temple at Chickaballapur, he spent large sums exceeding Rs 2000/- during his life time and at his death left another sum of Rs 2000/- for its completion. The installation ceremony has to take place in the coming month of Magha.

3. He has also directed the income from certain properties left for the maintenance of one Gowramma to be utilised for the upkeep of the Kanyaka-

Parameswari Temple at Chickaballapur after her death.

4. For certain Sevas in his name of the Kodandaramanaswami Temple at Chickaballapur, 300/- rupees out of his shares in the Co-operative Society Limited have been left, the interest thereof to be used, the other 200/- rupees being given to Lakshminarasappa of the Sri Anandakrishna Vaidya Sala at Chickaballapur.

5. The Bangalore Chickaballapur Light Railway Company shares valued at Rs. 500/- are given for the encouragement of Vaisya Students in the Sanscrit Patasala established by the Vaisya Mandali.

6. Besides the above charities which exceed Rs. 30,000/- he has left the following to the Government of Mysore:-

(i) The subjectmatter of O. S. No: 15 of 19-20 on the file of the District Judge, Bangalore, now in appeal before the High Court of Mysore in R. A. No: 43 of 28-29.

(ii) The subjectmatter of O. S. No: 10 of 14-15 on the file of the District Judge, Bangalore.

(iii) The subjectmatter of O. S. No: 381/13-14 on the file of the Munsiff of Chickaballapur.

In the registered Will dated 30th August 1933, he prays the Government of Mysore to continue the proceedings in these several suits, utilising the net realisations thereof for building an Hospital for Maternity and Child Welfare at Chickaballapur, a sore need of that place. An account of the exact present position of these cases, together with their chances of success and the possible sources of realisation in the event of a successful termination of these suits is given in the appendix. If these cases should succeed and amounts realised all the costs of these proceedings may be given to Mr. S. Srikantaya, our advocate for over 15 years, deducting the expenses incurred by the Government therefrom.

7. In order to ensure a satisfactory working

of these suits, we pray the Government of Mysore may be pleased to consent to be brought on record as parties along with us (so that there will be no difficulty whatever in the case of an adverse decision) and proceed with these cases.

8. We therefore pray the Government of Mysore may be pleased to accede to our prayer.

A P P E N D I X.

1. O. S. 15 of 19-20.
R. A. 43 of 28-29.

Suit for dissolution of partnership and accounts in which the plaintiff C. Rachiah Setty claims Rs. 25,000/- and interest etc. The suit was dismissed on the grounds of limitation and the contention in the appeal that this decision was wrong because on the death of Yernool Narashimiah, father of defendants 1 and 2, there was technically a new partnership, even if it be held that the defendants were not members of a Joint Hindu Trading Family.

2. O. S. 10 of 14-15.

A suit for dissolution of partnership and accounts. C. Rachiah Setty was the defendant with a half share. A preliminary decree has been passed and the Commissioner Mr. Nittor Srinivasa Rao is going through the accounts, to find out the collections and realisations made by the parties respectively, and the amounts due from the one to the other. The defendant's share is expected to reach about Rs. 10,000/-.

3. O. S. 381 of 13-14.

A suit for dissolution of partnership and accounts in the Chickaballapur Munsiff's court and a preliminary decree has been passed. C. Rachiah Setty was the defendant. His share expected to be about Rs. 1500/-. The case is for arguments re (i) damages suffered by the

17

plaintiff on account of defendant's interruption to the working of the Sugar Cane Mills, (ii) the amount which the plaintiff has to pay the defendant's from the profits which he had realised under his management, and (iii) costs etc.

Dated: 30/1/34.

Chitlor. Arunachalam Chetty
& T. Ramu of Solicitors for
Petitioners.

4440 9/46
B 33

OFFICE OF THE DEPUTY COMMISSIONER,
KOLAR DISTRICT.

In all future correspondence please quote this No. A.5-C.1012/33-34. Encls. Two

(Camp) Goribidnur, Dated, ~~Kolar~~, the 13th February 1934.

Law 45-33-6

FROM

T. G. RAMA IYER, Esq., B.A.,
Deputy Commissioner,
Kolar District.

To

H. V. RAMASWAMI, Esq., M.A., B.L.,
Secretary to Government of Mysore,
General Department, Bangalore.

GENERAL BRANCH
14 FEB 1934
No. [illegible]

SIR,

With reference to your letter No:P.3868/Law.45-33- dated 10th February 1934, regarding the acceptance of the endowment offered by the late Mr. Chitloor Rachiya Setty of Chikballapur town, I have the honor to forward herewith a copy of the will as desired together with a copy of the petition from Mr. Chitloor Aswathanarayana Setty, one of the heirs to the donor and to state that in the absence of any other records on the subject, I am not in a position to furnish my opinion as to the acceptance or otherwise of the offer made by the donor.

The petition referred to above discloses that all the records pertaining to the case pending before the High Court are with Mr. S. Srikantaiya, Advocate, Bangalore, whom I have requested to kindly meet you with the records to explain the situation.

I have the honor to be,
S i r,
Your most obedient servant,

Deputy Commissioner,
Kolar District.

V.V.R.
13234.

Appendix F G—1]

SUBJECT .....

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Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 20/2/34

Signed by Jne M.J Rao

List of enclosures .....

Copied by .....

Examined by .....

I

Section Law

File No. 4533

Serial No. 7

No. 3976/Ens.

To

The Govt. Advocate

R.A. 43 [illegible] on the file of the H. Ct. of Mysore

(C. Rachaiya Setty vs Venkataramayappa & ors)

Sir,

I am directed to forward herewith the duplicate of the notice and the copies of applications under order 22 Rule 4 and O. I R. 10 C.P.C. in the above case and to request you to appear for Govt on 26th Feb'y '34 the date to which it stands posted for hearing and obtain a month's adjournment to enable Govt to decide the question of acceptance of the endowment offered.

Meanwhile I am to

WD 0677—GPB—15,000—3-11-33

4440 9/46

In all future correspondence please quote this
No. A.5-C.1012/33-34.
Encls. Two

OFFICE OF THE DEPUTY COMMISSIONER,
KOLAR DISTRICT.

(Camp) Goribidnur,
Dated, ~~Kolar~~, the 13th February *1934*.

Law 45-33-6

FROM

T. G. RAMA IYER, Esq., B.A.,
Deputy Commissioner,
Kolar District.

To

H. V. RAMASWAMI, Esq., M.A., B.L.,
Secretary to Government of Mysore,
General Department, Bangalore.

GENERAL SECTARIAT
14 FEB. 1934
No. Law

SIR,

Reply sent 14/2/34

With reference to your letter No:P.3868/Law.45-33- dated 10th February 1934, regarding the acceptance of the endowment offered by the late Mr. Chitloor Rachiya Setty of Chikballapur town, I have the honor to forward herewith a copy of the will as desired together with a copy of the petition from Mr. Chitloor Aswathanarayana Setty, one of the heirs to the donor and to state that in the absence of any other records on the subject, I am not in a position to furnish my - opinion as to the acceptance or otherwise of the offer made by the donor.

The petition referred to above discloses that all the records pertaining to the case pending before the High Court are with Mr. S. Srikantaiya, Advocate, Bangalore, whom I have requested to kindly meet you with the records to explain the situation.

I have the honor to be,
S i r,
Your most obedient servant,

Deputy Commissioner,
Kolar District.

V.V.R.
13234.

20/5

request you to discuss the matter with the petitioner's Counsel Mr. S. Srikantaiya Advocate for the petitioner with whom the records of the several litigations of late Mr. Chittur Rachaiyaseth are said to be lying, and to advise Govt as to whether the ~~matter~~ endorsements offered in the writ may be accepted or not. The copy of the writ ~~petition~~ herewith enclosed for perusal wherein I have the ~~and that of the petition of Muniswamy narayanaseth~~

MP
20/2 for Genl Secy

ISD 20/2

No 3977/ 9 20/2/84

Copy to the Dy Secy for information.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. P 3976 Genl

General and Revenue Secretariat

Bangalore, Dated, 20th February 4 193...

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Government Advocate,

Bangalore.

Sir,

R.A.43/28-29 on the file of the High Court of Mysore.
(C.Rachaiya Setty Vs.Venkatarayappa & others)

Sir,

I am directed to forward herewith the duplicate of the notice and the copies of applications under Order 22 Rule 4 and O.I.R. 10 C.P.C. in the above case and to request you to appear for Government on 26th February 1934 the date to which it stands posted for hearing and obtain a month's adjournment to enable Government to decide the question regarding the acceptance of the endowment offered.

Meanwhile I am to request you to discuss the matter with the petitioner's Counsel Mr. S.Srikantaiya with whom the records of the several litigations of late Mr.Chittoor Rachaiyasetty are said to be lying and to advise Government as to whether the endowments offered in the Will may be accepted or not. The copy of the Will and that of the petition of Mr. Aswathanarayana Setty are herewith enclosed for reference and return.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd) H.V. Ramaswamy

General Secretary to Government.

P.t.o.

Psk.

Memo ----- No. P 3977

Copy of the foregoing is forwarded, with compliments to the Deputy Commissioner, Kolar District for information.

By Order,

for General Secretary to Government.

TSD

IN THE HIGH COURT OF MYSORE AT BANGALORE.

R.A.No. 43 of 28-29

O. S. No. 15 of 19-20

Appellant:- C.Rachiah Setty. (since deceased)

Vs

Respondents:- 1. Venkatarayappa and others.

Petitioners:- 1.Chitloor Aswattanaraniah Setty.
2.Gopaliah.)
3.Radhakrishniah (minors by
4.Subbiah (guardian
mother Adilakshamma. All sons of Chitloor Nanjundiah. Chikballapur. (Legatees).

Under O. 22.R.4. and O.I.R. 10. C.P. C:-

The petitioners abovenamed state as follows:-

1. Under a registered Will dated 30th August 1933, the deceased appellant C.Rachiah Setty, has left the subject matter of the suit as a legacy to the Government of Mysore, along with the subject matter in O.S.No.10/14-15 on the file of the District Judge Bangalore, and O.S.No.381/13-14 on the file of the Munsiff, Chikballapur, with a view to their establishing a maternity and child welfare hospital at Chikballapur and the petitioners are only the residuary legatees thereof.

2. The appellant C.Rachiah Setty died at Chikballapur on 12th September 1933. The petitioners are also applying to the Government of Mysore to proceed with the appeal for the purpose.

3. It is prayed the Government of Mysore may be brought on record in the place of the deceased appellant (C.Rachiah Setty) and the appeal proceeded with.

Verified. Dated 20-11-33.

Sd/-

C o p y

For General Secretary to Govt.

TSD

IN THE HIGH COURT OF MYSORE AT BANGALORE.

*****:0:*****

R.A. No. 43 of 1928-29.

O.S. No. 15 of 1919-20.

Appellant:- (Plaintiff):-

C. Rachiah Setty (since deceased) by his legal representatives, (1) Chitloor Aswathanarayanaiya Setty, (2) Gopaliah, (3) Radhakrishniah, (4) Subbiah - 2 to 4 minors by guardian and mother adilakshamma, - All sons of Chitloor Nanjundaiya, Chikballapur Town.

Vs.

Respondents (Defendants):

(1) Y. Venkatarayappa, (2) Y. Krishnappa, (3) Ramakrishnappa, (4) Singiah (given up), (5) Madhava Rao, (6) H. Abdul Rahimon Sab.

Under Order 22, Rules 4, 5 and 10 and Order I, Rule 10, Civil Procedure Code, the petitioners (legal representatives) above-named states as follows:-

The appellant C. Rachiah Setty died on the 12th September 1933 at Chikballapur Town. The petitioners are the only surviving relations of his in possession of all the properties of the deceased C. Rachiah Setty. They are also the residuary legatees with reference to the subject matter of the appeal under a registered will dated the 30th August 1933 of the deceased. The petitioners are entitled in the last resort to carry on the present appeal to conclusion.

2. The deceased C. Rachiah Setty has left the subject matter of this appeal as a legacy to the Government of Mysore, along with O.S. No. 10 of 14-15 on the file of the District Judge, Bangalore, and O.S.

25

O.S. No. 381 of 1913-14 on the file of the Munsiff of Chikkaballapur, with a view to the construction of a maternity and child welfare Hospital at Chikballapur.

3. The petitioners (legal representatives) have already made an application before this Court setting out the above circumstances, praying the Government of Mysore may be added on as appellant in this appeal and the appeal being proceeded with.

4. The petitioners pray that they may be brought on record in place of the deceased appellant C. Rachiah Setty and the appeal proceeded with.

5. The petitioners further pray that the Government of Mysore may be brought on record as appellants to this appeal, and in case they be unwilling as additional parties, so that they may have the benefit of any decision in favour of the appellant.

6. The petitioners may be brought on record as legal representatives of the deceased C. Rachiah Setti, and notice issued to Government of Mysore for the purpose aforesaid.

"Copy"

Mysore
Dy General Secretary
TSD

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 3978 Genl

Dated, Bangalore, 20th February 1934.

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Registrar,
High Court of Mysore,
Bangalore.

Sir,

With reference to your letter No.808/P dated 26th January 1934, I am directed to return herewith with due endorsement of service thereon the notice in original in P.A.43/28-29 on the file of the High Court of Mysore.

I have the honour to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

Appendix F G—1]

SUBJECT .....

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.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193 .

Date of issue 26/2/34

Signed by .....

List of enclosures .....

Copied by .....

Examined by .....

11

Section Law

File No. 45-33

Serial No. 8

No. P 3978/Rev I

To The Registrar H.C.

Sir,

With reference to your letter no. 202/P dated 26.1.34. I am directed to return herewith with due endorsement of service thereon the notice in original in R.A. 43/1934 on the file of the H.C. of Mysore.

I have etc.

30/1/34 for Genl Secy

ISD 30/1

4403.

5749 P 33

In reply, please refer to
No. 660

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, 5th April *1934.*

Law 45-33-9

FROM

A. R. NAGESVARA IYER, ESQ., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

GENERAL SE
7 AP.

To

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

SIR,

With reference to your letter No. P.3976/Law. 45-33-7, dated the 20th February 1934 re: Regular Appeal No. 43 of 1928-29 on the file of the High Court of Mysore, (C. Rachaiya Setty -VS- Venkatarayappa and others) I have the honor to enclose herewith a copy of the letter written to me by Mr. Srikantiah, with whom I had a discussion, more than once, about the cases in which the late Mr. Rachiah Setty was concerned. One case is on the file of the Munsiff of Chickballapur and the other on the file of the District Judge, Bangalore. Mr. Srikantiah has no papers connected with these cases and therefore he is not in a position to say anything definite about them. As I have already mentioned, Mr. Rachia Setty's appeal pending before the High Court is a fairly arguable one and as it involves a heavy amount I think the endowments may be accepted.

2. The case before the High Court stands posted to the 7th June 1934 for hearing.

I have the honor to be,
Sir,
Your most obedient servant,

A. R. Nageswara Iyer
Government Advocate.

CSN.

29

Copy of letter dated 23rd March 1934 from S.Srikantaiya, Esq B.A.,B.L., Advocate, Bangalore City, to The Government Advocate in Mysore, Bangalore.

"Dear Mr. Nageswara Iyer,

"With reference to your letter Re: the late Mr.C.Rachiah Setty's affairs I am sorry to say that the original papers - connected with O.S.10/14-15 on the file of the District Judge, Bangalore, and O.S.381/13-14 on the file of the Munsiff of - Chickballapur are not with me. In O.S.10/14-15 accounts are being looked into by the Commissioner to find out how much has been collected by either party in order to arrive at the amounts payable from one to the other. In the Chickballapur case the question is one of damages for loss in relation to a Sugar Cane Crushing Mill and it is posted for arguments to consider what loss the Plaintiff in that case has sustained and to what extent the defendant Mr. Rachiah Setty should be held liable. The defendants on the other hand appear to contend that they are entitled to moneys from the Plaintiff from his management on accounts being taken. It is difficult to say whether and how far the late Mr. Rachiah Setty's estate would benefit from - either of these proceedings. The late Mr. Rachiah Setty no doubt was expecting to succeed in these cases. In O.S.10/14-15 itself he was expecting to get over Rs.10,000/- including - interest. But it is not now possible for me to say under the circumstances how far those expectations will be realised. As regards the High Court appeal I have already given you a Printed copy of the records and discussed the matters with you in person."

****

N Nageswara Iyer
Government Advocate.

CSN/5.4.34

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. D4776 Dated, Bangalore, 14th April 1934.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To The Government Advocate,
Bangalore.

Sir,

With reference to your letter No.660 dated 6th April 1934 re: Regular Appeal 43/28-29 on the file of the High Court of Mysore (C.Pachaiya Setty VS Venkatarayappa and others) I am directed to request that a copy of the will and other enclosures sent with this office letter No.P.3976 dated 20th February 1934 may kindly be returned for reference.

I have the honour to be,
Sir,
Your most obedient servant,

General Secretary to Government.

RS

Appendix F G—1]

SUBJECT .....

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Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 14/4/34

Signed by M. Hallam

List of enclosures .....

Copied by 14/4

Examined by .....

Section Law

File No. 45-33

Serial No.

No. P 4776

To The Govt. Advocate

Sir,

With reference to your letter no. 660 dated 6.4.34 Re: R.A. 43/1933 on the file of the H. Ct. of Mysore (C. Rachaya Setty vs Venkatappa & others) I am directed to request that a c/s of the will and other enclosures sent with this office letter no. P. 3976 dated 20th Feb'y 1934 may kindly be returned for reference

ml 14/4 I have ere + for genl see'y

ISD 14/4

In reply please refer to
No. 672

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, 19th April 1934. *193*

S 672 - P

FROM

A. R. NAGESVARA IYER, ESQ., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

The General Secretary to the Govt.
of H. H. the Maharaja of Mysore,
Bangalore.

SIR,

As desired in your letter No. P. 4776, dated the 14th April 1934, I have the honor to return herewith the copy of the will and other enclosures received with your letter No.P. 3976, dated the 20th February 1934, re: Regular Appeal No. 43 of 1928-29 on the file of the High Court of Mysore, (C. Rachayya Setti vs. Venkatarayappa and others).

I have the honor to be,
Sir,
Your most obedient servant,
A. R. Nageswara Iyer
Government Advocate.

H.

A/g 26-2-34

To The Chief Secretary Government of Mysore Bangalore

Notice to show cause.
General form.
Form No. 71, (Civil)

1. All Sons of Chiltoor Narayandaiah, Chickaballapur Town. (LRs brought on record subject to objections on the opposite side)

) RR 2 to 4 minors by guardian and another

IN THE HIGH COURT OF Mysore AT Bangalore

A Lakshamma

RA SUIT No. 43 OF 1928-1929. } application to implead Govt as appellant

2. Rachaiah Setty, since deceased by LR (1) Chiltoor Ishwaramaraiah vs. Yernool Venkalarayappa & others

(2) Gopalaiah (3) Radhakrishnaiah (4) Subbaiya

Applicant Opponent

To The Chief Secretary, Mysore Govt. Bangalore

Whereas the abovenamed applicants has made application to the Court that praying that The Government of Mysore may made as L.R. of the deceased appellant C. Rachaiya Setty for the sord mentioned in the required accompanying Copies of the applications

You are hereby warned to appear in this Court in person or by a Pleader duly instructed on the 26th day of February 1934 at 10½ o'clock in the forenoon, to show cause against the application failing wherein the said application will be heard and determined *exparte*.

Given under my hand and the seal of the Court, this 26th day of January 1934 193 .

BO

Assistant Head Clerk

WD 02700—GPB—7,800—14-7-30

In the High Court of Mysore at Bangalore.

R. A. No: 43 of 28-29.

O. S. No: 15 of 19-20.

MD 26-1-34

Appellant:- C. Rachiah Setty. (since deceased)

VS

Respondents:- 1. Venkatarayappa and others.

Petitioners:- 1. Chitloor Aswattanaraniah Setty.
2. Gopaliah. }
3. Radhakrishniah. } minors by
4. Subbiah. } guardian
mother Adilakshamma. All sons of Chitloor Nanjundiah. Chickaballapur. (Legatees).

Under O. 22. R. 4. and O. 1. R. 10. C. P. C:-

The petitioners abovenamed state as follows:-

1. Under a registered Will dated 30th August 1933, the deceased appellant C. Rachiah Setty, has left the subjectmatter of the suit as a legacy to the Government of Mysore, along with the subject-matter in O. S. No: 10/14-15 on the file of the District Judge, Bangalore, and O. S. No: 581/13-14 on the file of the Munsiff, Chickaballapur, with a view to their establishing a maternity and child welfare hospital at Chickaballapur and the petitioners are only the residuary legatees thereof.

2. The appellant C. Rachiah Setty died at Chickaballapur on 12th September 1953. The petitioners are also applying to the Government of Mysore to proceed with the appeal for the purpose.

3. It is prayed the Government of Mysore may be brought on record in the place of the deceased appellant (C. Rachiah Setty) and the appeal proceeded with.

Verified. Dated 20/11/53.

(Sd) S. Srikantaiya
(Advocate for appt)

In the High Court of Mysore at Bangalore.

R. A. No: 45/28-29.

O. S. No: 15/19-20.

MD/26.1.34

Appellant (Plff):- C. Rachiah Setty (since deceased) by his legal representatives,
1. Chitloor Aswattanaraniah Setty.
2. Gopaliah. } 2 to 4 minors
3. Radhakrishniah. } by guardian and
4. Subbiah. } mother Adilakshamma.
All sons of Chitloor Nanjundiah, Chickaballapur Town.

VS

Respondents (Defts):- 1. Y. Venkatarayappa.
2. Y. Krishnappa.
3. Ramakrishnappa.
4. Singiah (given up)
5. Madhava Rao.
6. H. Abdul Rahiman Sab.

Under O. 22. Rs. 4, 5 and 10 and O. 1. R. 10.

C. P. C:- The petitioners (legal representatives) above-named state as follows:-

1. The appellant C. Rachiah Setty died on 12/9/1933 at Chickaballapur Town. The petitioners are the only surviving relations of his in possession of all the properties of the deceased C. Rachiah Setty. They are also the residuary legatees with reference to the subject-matter of the appeal under a registered Will dated 30th August 1933 of the deceased. The petitioners are entitled in the last resort to carry on the present appeal to conclusion.

2. The deceased C. Rachiah Setty has left the subject-matter of this appeal as a legacy to the Government of Mysore, along with O. S. No: 10/14-15 on the file of the District Judge, Bangalore, and O. S. No: 581/13-14 on the file of the Munsiff of Chickaballapur, with a view to the construction of a maternity and Child Welfare Hospital at Chickaballapur.

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3. The petitioners (legal representatives) have already made an application before this court setting out the above circumstances, praying the Government of Mysore may be added on as appellant in this appeal and the appeal being proceeded with.

4. The petitioners pray that they may be brought on record in place of the deceased appellant C. Rachiah Setty and the appeal proceeded with.

5. The petitioners further pray that the Government of Mysore may be brought on record as appellants to this appeal, and in case they be unwilling as additional parties, so that they may have the benefit of any decision in favour of the appellant.

6. The petitioners may be brought on record as legal representatives of the deceased C. Rachiah Setty, and notice issued to Government of Mysore for the purpose aforesaid.

Dated: 2/1/34.

Copy.

(sd) Srikantaiya
(Advocate for appt.)

To,

T. G. Rama Iyer, Esq., B. A.,

Deputy Commissioner, Kolar District,

K O L A R.

Petitioners:- 1. Chitloor Aswattanaraniah Setty.

2. Gopaliah. } minors by their guardian

3. Radhakrishniah } and mother

4. Subbiah } Adilakshamma

Residents of Chickaballapur Town.

Most Respected Sir,

1. C. Rachiah Setty was big, influential and Wealthy merchant at Chickaballapur. By his own exertions, he built up a lucrative business at various centres in Southern India and at Bombay. He also constructed a Choultry at Viduraswatta, in the Goribidnur Taluk and added considerably to it from time to time. In his will registered on 30th August 1933, he has created a trust for its management and left an additional sum of Rs.2000/- for the purpose to be handed over the trust. He has directed his Life Assurance Policy, payable after death, in the Bombay Oriental Life Insurance Company Limited, as an endowment for the Viduraswatta Trust Fund.

2. For the Anjaneyaswamy Temple at Chichaballapur, he spent large sums exceeding Rs.2000/- during his life time and at his death left another sum of Rs.2000/- for its completion. The installation ceremony has to take place in the coming month of Magha.

3. He has also directed the income from certain properties left for the Maintenance of one Gowramma to be utilised for the upkeep of the Kanyaka-Parameswari Temple at Chickaballapur after her death.

4. For certain Sevas in his name of the Kodandaramana-swami Temple at Chickaballapur, 300/- rupees out of his shares in the Co-operative Society Limited have been left, the interest thereof to be used, the other 200/- rupees being given to Lakshminarasappa

of

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of the Sri Anandakrishna Vaidya Sala at Chickaballapur.

5. The Bangalore Chickaballapur Light Railway Company shares valued at 500/- rupees are given for the encouragement of Vaisya Students in the Sanscrit Patasala established ~~by the Vaisya Students in the Sanscrit Patasala established~~ by the Vaisya Mandali.

6. Besides the above charities which exceed Rs 30,000/- he has left the following to the Government of Mysore:-

(i) The subject matter of O. S. No: 15 of 19-20 on the file of the District Judge, Bangalore, now in appeal before the High Court of Mysore in R. A. No: 43 of 28-29.

(ii) The subjectmatter of O. S. No: 10 of 14-15 on the file of the District Judge, Bangalore.

(iii) The subjectmatter of O. S. No: 381/13-14 on the file of the Munsiff of Chickaballapur.

In the registered Will dated 30th August 1933, he prays the Government of Mysore to continue the Proceedings in these several suits, utilising the net realisations thereof for building an Hospital for Maternity and Child Welfare at Chickaballapur, a sore need of that place. An accout of the exact present position of these cases, together with their chances of success and the possible sources of realisation in the event of a successful termination of these suits is given in the appendix. If these cases should succeed and amouts realised all the costs of these proceedings may be given to Mr. S. Srikantaya, our advocate for over 15 years, deducting the expenses incurred by the Government therefrom.

7. In order to ensure a satisfactory working of these suits, we pray the Government of Mysore may be pleased to consent to be brought on record as parties <u>along with us</u> (so that there will be no difficulty whatever in the case of an adverse decision) and proceed with these cases.

8. We therefore pray the Government of Mysore may be pleased to accede to our prayer.

<u>A P P E N D I X.</u>

1. <u>O. S. 15 of 19-20.</u>

<u>R. A. 43 of 28-29.</u>

Suit for dissolution of partnership and account in which the plaintiff C. Rachiah Setty claims Rs 25,000/- and interest etc.

The suit was dismissed on the grounds of limitation and the contention in the appeal that this decision was wrong because on the death of Yernool Narasimiah, father of defendants 1 and 2, there was technically a new partnership, even if it be held that the defendants were not members of a Joint Hindu Trading Family.

2. O. S. 10 of 14-15.

A suit for dissolution of partnership and accounts. C. Rachiah Setty was the defendant with a half share. A preliminary decree has been passed and the Commissioner Mr. Nittoor Srinivasa Rao is going through the accounts, to find out the collections and realisations made by the parties respectively, and the amounts due from the one to the other. The defendant's share is expected to reach about Rs 10,000/-

3. O. S. 381 of 13-14.

A suit for dissolution of partnership and accounts in the Chickaballapur Munsiff's court and a preliminary decree has been passed. C. Rachiah Setty was the defendant. His share expected to be about Rs 1500/-. The case is for arguments re (i) damages suffered by the plaintiff on account of defendant's interruption to the working of the Sugar Cane Mills, (ii) the amount which the plaintiff has to pay the defendant's from the profits which he had realised under his management, and (iii) costs etc.

dated 30-1-34

(Sd) Chitloor Aswatthanaranih Setty
x Left Thumb Mark of Adilakshamma

Petitioners.

(Copy)

Deputy Commissioner,
Kolar District.

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Filed in V. Venkata Saeni Shetty, Witness, R.A. member, and Smt.

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Sdy. G. V. Seetharamaiyer
Sub Registrar

5 Copies 51

Proceedings of the Government of

His Highness the Maharaja of Mysore.

Legis 45-33-10

Read -

Letter No.A5 P.R. 155/33-34 dated 11th October 1933 from the Deputy Commissioner, Kolar, forwarding a petition presented by Messrs. Chittoor Aswathaiya Setty and others stating that their father the late Chittoor Rachia Chetti had bequeathed his interests in the marginally noted litigations to Govt. for a charitable purpose, and requesting in the circumstances stated sanction to engage the services of the Government Advocate, Public Prosecutor, Bangalore and another lawyer to represent Government in the said cases respectively.

R.A.43/28-29 H.Ct of Mysore
O.S.10/19-20 Dt.Ct. B'lore
O.S.381 of 14-15 in the Chikballapur Munsiff's Ct.

2. Letter No.808 dated 26th January 1934 from the Registrar, High Court of Mysore, forwarding for service and return the notices in duplicate ~~(Rachaiya Setty Vs Venkatacharappa and others in R.A. 43/28-29 on the file of the High Court of Mysore~~, requiring Govt. to show cause why they should not be impleaded as legal representatives of the appellant, late Rachaiya Setty, in R.A. 43/28-29 on the file of the H.C. of Mys.

3. Letter dated 30th January 1934 from Mr. S. Srikantia, Advocate for Chittoor Aswathanarayana Setty and others, praying Government to accept the bequest of late Rachia Chetti and to arrange for the further conduct of the above litigations.

4. Correspondence ending with the letter No.660 dated 6-4-34 from the Government Advocate, stating in the circumstances pointed out that Mr. Rachaiya Setty's appeal pending

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before the High Court of Mysore is a fairly arguable one and as it involves a heavy amount the endowment offered may be accepted

Order No. P 230—33

Dated, Bangalore, 10th July 1934.

The late Mr.C. Rachaiya Setty of Chickballapur has by his will dated 30th August 1933, bequeathed in favour of the Government the money that may become due to him in the marginally noted cases, for the purpose of constructing a Maternity Hospital at Chikballpur. Except the appeal pending in the High Court, which is said to be a fairly arguable one the chances of success and recovery in the other two cases are reported to be remote. The bequeathal therefore amounts to a devise of the right to conduct certain doubtful cases and to take the money to be realised if successful. Government consider that (on principle) it is objectionable to accept such an endowment The legal heirs of late Mr. Rachia Chetti have to conduct the cases themselves and then handover the realisations for the charitable purpose intended by their father.

1. R.A.43/28-29 on the file of the High Ct of Mysore
2. O.S.10/19-20 Dt.Ct.B'lore
3. O.S.381/13-14 Munsiff's Court, Chikballapur.

In these circumstances, Government are of opinion that they need not be brought on record of the pending cases as legal representatives of late Mr. Rachia Chetti. The Government Advocate is requested to show cause accordingly and obtain necessary orders in the High Court.

To

The Deputy Commr. Kolar,
" Govt. Advocate,
Mr S. Srikantia, advocate

11/7/34

General Secretary to Govt.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read:—

Letter No. A5 P.R.155/33-34 dated 11th October 1933 from the Deputy Commissioner, Kolar, forwarding a petition presented by Messrs Chittoor Aswathaiya Setty and others stating that their father the late Chittoor Rachia Chetti had bequeathed his interests in the -

R.A.43/28-29-H.Ct of Mysore O.S.10/19-20-Dt.Ct. B'lore O.S.381 of 14-15 in the Chik-ballapur Munsiff's Ct.	) marginally noted litigations to -)) Government for a charitable purpose,)) and requesting in the circumstances

stated sanction to engage the services of the Government Advocate, Public Prosecutor, Bangalore and another lawyer to represent Government in the said cases respectively.

2. Letter No.808 dated 26th January 1934 from the Registrar, High Court of Mysore, forwarding for service and return the notices requiring Government to show cause why they should not be impleaded as legal representatives of the appellant, late Rachaiya Setty in R.A. 43/28-29 on the file of the High Court of Mysore.

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4. Correspondence ending with the letter No.660 dated 6-4-1934 from the Government Advocate, stating in the circumstances pointed out that Mr.Rachaiya Setty's appeal pending before the High Court of Mysore is a fairly auguable one and as it involves a heavy amount the endowment offered may be accepted.

Order No. P 230 -33-Law 45-33-10

Dated Bangalore 14th July 1934.

The late Mr.C.Rachaiya Setty of Chickballapur has by his will dated 30th August 1933, bequeathed in favour of the Government money

54.

that may become due to him in the marginally noted cases, for

1. R.A.45/28-29 on the file of the High Court of Mysore. 2. O.S.10/19-20 District Court, Bangalore. 3. O.S.381/13-14 Munsiff's Court, Chikballapur.	the purpose of constructing a Maternity Hospital

at Chikballapur. Except the appeal pending in the High Court, which is said to be a fairly arguable one the chances of success and recovery in the other two cases are reported to be remote. The bequeathal therefore amounts to a devise of the right to conduct certain doubtful cases and to take the money to be realised, if successful. Government consider that it is objectionable in principle to accept such an endowment. The legal heirs of late Mr.Rachia Chetty should conduct the cases themselves and then handover the realisations for the charitable purpose intended by their father.

In these circumstances, Government are of opinion that they need not be brought on record of the pending cases as legal representatives of the late Mr.Rachia Chetti. The Government Advocate is requested to show cause accordingly and obtain necessary orders in the High Court.

For General Secretary to Government.

To

The Deputy Commissioner, Kolar.

The Government Advocate.

Mr.S.Srikantia, Advocate.

Mr.Chittoor Aswathaiya Setty & others.

T33.